

CALIFORNIA COASTAL COMMISSION

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TO: Coastal Commissioners and Interested Parties

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SUBJECT: Annual update on staff's activities to enhance the State coastal program's management of polluted runoff (nonpoint source pollution).

SUMMARY

This report provides an annual update to Commissioners on activities undertaken by Commission staff to enhance the coastal program's management of polluted runoff.^{1,2} The staff last updated Commissioners in May 1998. Also included in this report is a summary of pending State legislation related to the Commission's role in the prevention and control of polluted runoff.

PROCEDURAL NOTE. This is an informational item only; no formal action is needed. The staff recommends that interested public be afforded an opportunity to comment.

I. STATUS REPORT: MAY 1998 through MAY 1999

This annual status report describes activities conducted by staff pursuant to the Commission's *Polluted Runoff Strategy*, which the Commission approved in February 1997 (see Table 1).

A. Development of the State NPS Pollution Control Program pursuant to the Clean Water Act (CWA) and Coastal Zone Act Reauthorization Amendments (CZARA) of 1990

During the past year, staff of the Commission's Coastal Nonpoint Pollution Control Program (CNPCP) has focused its efforts on working with the State Water Resources Control Board (SWRCB) and Regional Water Quality Control Boards (RWQCBs) to upgrade California's NPS Pollution Control Program for the protection of water quality and to comply with CWA and CZARA requirements. Under CZARA, coastal states must enhance cooperation between

¹ Objective 1.1 of the Commission's Strategic Plan (June 1997) is to "reduce polluted runoff." Polluted runoff, also known as nonpoint source (NPS) pollution, is a significant cause of harmful impacts to coastal waters and habitats, and thus impedes full achievement of the Commission's goals.

² Information on the Coastal Commission's Coastal Nonpoint Pollution Control Program—including this update, previous reports to Commissioners, the February 1997 *Polluted Runoff Strategy*, and Internet links to related information—is available on the Commission's Home Page @ <http://ceres.ca.gov/coastalcomm/index.html>.

Table 1. Actions in the Commission's February 1997 Polluted Runoff Strategy

<u>1.0 Planning and Regulatory Controls</u>
1.1 Improve Commission and local government staff abilities to address polluted runoff through planning and permitting processes
1.2 Conduct long-term outreach to local governments to facilitate changes in LCPs and other CCMP-implementing processes
<u>2.0 Interagency Coordination</u>
2.1 Ensure effective development and implementation of the Coastal Nonpoint Pollution Control Program
2.2 Increase coordination with the Regional Water Quality Control Boards
2.3 Participate in Local, Regional, and Statewide Programs
<u>3.0 Technical Assistance, Outreach, and Education</u>
3.1 Improve environmental review and polluted-runoff management through use of mapping and other technologies
3.2 Assist in the development of public education programs and technical analysis tools to improve coastal water quality
<u>4.0 Watershed Planning</u>
4.1 Continue Commission participation in watershed efforts Statewide
<u>5.0 Funding</u>
5.1 Seek stable support of coastal water quality related efforts
5.2 Search out grant opportunities to supplement and advance the <i>Polluted Runoff Strategy</i>
5.3 Identify means to share resources

their land use and water management agencies, identify management measures to prevent and control polluted runoff, and ensure that enforceable mechanisms exist where voluntary (i.e., self-determined) efforts are insufficient to restore and protect State waters.

In Fall 1995, after four years of development, the Commission and SWRCB submitted the State's initial response to CZARA to the U.S. Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA)—the lead federal agencies that administer the CWA and Coastal Zone Management Act respectively. In July 1998, NOAA and EPA published in the *Federal Register* their Final Conditional Approval of California's submittal, making full approval contingent upon further improvements to protect water quality and comply with federal requirements. Pursuant to the Final Conditional Approval and federal guidance, the draft upgraded NPS Pollution Control Plan includes three elements:

1. *California's Management Measures for Polluted Runoff* (CAMMPR) which identifies management measures appropriate for implementation in California and State authorities to implement the measures; the measures are general goals for the control and prevention of polluted runoff. The measures address six land-use categories: agriculture, forestry, urban areas, marinas and boating, hydromodification, and wetlands and riparian areas.
2. A 15-Year Program Strategy, which is the overall, general strategy to implement the management measures Statewide over a 15-year period.

3. The first of three 5-Year Implementation Plans, which are more specific plans, with objectives and milestones, that outline the State's specific strategies and targets for implementing management measures over a five-year period.

In July 1998, the Commission and SWRCB staffs completed a draft of the CAMMPR document and circulated the draft to other State agencies with authorities and programs that are critical to addressing NPS pollution. The Commission, SWRCB and EPA Region 9 staffs subsequently met with most of the agencies to refine the draft CAMMPR document and to identify implementation actions over the next five to 15 years. In December 1998, the Commission, SWRCB, and EPA Region 9 staffs held stakeholder workshops in Southern and Northern California (Long Beach and Sacramento) to solicit input for upgrading California's NPS Program. Upon request by the California Clean Boating Network, additional workshops and/or meetings for stakeholders that have an interest in marina and recreational boating activities were held in December 1998, January 1999 and quarterly thereafter.

The following is the anticipated schedule for public review of and comment on the drafts of the upgraded NPS Pollution Control Plan (comprised of the CAMMPR document, 15-Year Program Strategy, and first 5-Year Implementation Plan) pursuant to the CWA and CZARA:

- June – July 1999. The Commission and SWRCB release drafts of the upgraded NPS Pollution Control Plan to agencies and the public for comment;
- July – August 1999. The Commission and SWRCB hold two additional stakeholder workshops prior to the close of the comment period.
- October – November 1999. The Commission opens its public hearing on the Final Draft Plan. The SWRCB holds a Board workshop and meeting in Sacramento. Opportunities for public comments will be provided prior to and at these meetings.

B. Update of the Commission's February 1997 Polluted Runoff Strategy

The Commission staff has prepared an updated draft of the Commission's February 1997 *Polluted Runoff Strategy*, which is being renamed the Commission's *Plan for Controlling Polluted Runoff (Coastal CPR Plan)*. Staff intends to submit the updated *Coastal CPR Plan* to the Commission in Fall 1999, coincident with the opening of the public hearing on the Final Draft State NPS Pollution Control Plan. As currently drafted, many of the actions identified in the *Coastal CPR Plan* are included in the State NPS Pollution Control Program *15-Year Program Strategy* and first *5-Year Implementation Plan*. The actions are expected to help to facilitate implementation of the State NPS Pollution Control Program as well as to improve the coastal program's overall treatment of water quality-related issues.

C. Addressing polluted runoff issues through planning and permitting processes and grant-funded projects

The Commission's CNPCP staff, district office staff (including designated water quality coordinators) and federal consistency staff are continuing to work whenever possible to coordinate review of potential runoff impacts associated with proposed development projects, and to address water quality-related concerns in permits, planning issues, and federal consistency projects brought before the Commission. The staff also continues to seek potential funding sources and to develop appropriate grant proposals to support and expand the Commission's activities related to the prevention and control of polluted runoff. In particular, the staff has submitted budget requests and justifications for State General Fund support of a critically-needed water quality planner position at the Commission to enable the continuation of a systematic polluted runoff focus throughout coastal program activities.

D. Outreach with local governments, RWQCBs, and others

In March 1999, the Commission approved \$500,000 in local assistance grants to fund Local Coastal Program (LCP) work programs for eight cities and counties. The local governments receiving grants are: Solana Beach, Los Angeles County-Santa Monica Mountains, Newport Beach, City of Monterey, Carmel, City of Los Angeles-Pacific Palisades, Trinidad (Trinidad Harbor Area of Deferred Certification), and the City of Santa Cruz (Terrace Point Area of Deferred Certification). In order to ensure that LCPs contain land use development mitigation measures that prevent and control polluted runoff, each of the grant awards was conditioned to require the inclusion of polluted-runoff LCP component. To minimize the requirements to local government to address this condition, staff is currently developing a framework for polluted-runoff control for inclusion in LCPs. During the upcoming fiscal year, Commission staff intends as much as possible to provide technical assistance to aid in LCP development including suggested policies and implementing ordinances.

In Spring 1999, the Commission, in partnership with the City of Watsonville and the Monterey Bay National Marine Sanctuary (NMS), received a grant from the California Resources Agency related to implementation of California's Model Urban Runoff Program (MURP).³ Staff is updating Commissioners on this grant in a separate item (Hearing Agenda Item Tu-8c). Implementation of MURP will assist the City of Watsonville in meeting its LCP goals related to erosion and runoff control, will allow the City to address water quality problems in adjacent wetlands, and will help to protect Sanctuary resources downstream. Distribution and use of the MURP offers small cities an opportunity to cost-effectively implement urban runoff control programs that build on the experiences of other small cities. Commission staff work pursuant to this grant would include reviewing implementation of the MURP in the City of Watsonville, preparing an addendum to the MURP Guidebook based on Watsonville's experience, and conducting outreach to small coastal cities.

Additional staff outreach efforts during the past year include:

³ MURP is a how-to-guide for local governments to develop, finance, and implement a comprehensive program to address polluted runoff in urban areas. The MURP Guidance document is intended to be an understandable "cookbook" to help small municipalities achieve clean water goals and prepare for regulatory requirements associated with the CWA and CZARA. MURP was developed in 1998 by the Cities of Monterey and Santa Cruz, Coastal Commission, Monterey Bay NMS, Association of Monterey Bay Area Governments, Woodward-Clyde Consultants, and Central Coast Regional Water Quality Control Board.

- meetings with staffs of each of the six coastal RWQCBs as part of the process to upgrade the State NPS Pollution Control Program;
- participation in the SWRCB and RWQCBs' NPS Roundtables;
- development of LCP and water quality chapters for the League of California Cities *Planning Commissioners' Handbook*;
- ongoing distribution of the Commission's Watershed Analysis Tools for Environmental Review (WATER) CD-ROMS and the *Procedural Guidance Manual: Addressing Polluted Runoff in the California Coastal Zone* (2nd Edition, 1996);^{4, 5} and
- ongoing provision of information on California's CNPCP by mail and via the Commission's Internet Home Page.

E. Public Education

The Commission's public education program is working on several strategies to educate the public and reduce NPS pollution. Accomplishments during the past year include those listed below.

- More than 50,000 volunteers participated in Coastal Cleanup Day and more than 20,000 are participating in the year-around Adopt-A-Beach Program. Coastal Cleanup Day data reveal that the number of cigarette butts found on beaches has increased by 40%. Education staff is conducting outreach that emphasizes that the butts got to the beach through storm drains and waterways. Press releases throughout the summer will highlight the problems of marine debris and stress that proper disposal of garbage should significantly reduce the amount of trash found on Coastal Cleanup Day.

⁴ In January 1998, Commission staff completed the WATER Project and distributed a User's Guide and a set of four CD-ROMs containing the WATER data sets. A primary goal of WATER is to enhance interagency cooperation and the ability to protect water quality and manage resources in the Monterey Bay NMS. WATER integrates environmental data, interpreted satellite imagery, and digital aerial photos from federal, State and local sources into a single package. WATER's georeferenced resource data "layers"—including soils, slopes, watersheds, habitat types, pollution sources—can be overlaid to help understand the relationships between factors contributing to polluted runoff. Because the data layers span a large region—from Santa Cruz County to San Luis Obispo County—all agencies with jurisdictions affecting water quality in the Monterey Bay region have access to the same data sets. The WATER project team is also setting up an Internet site in cooperation with California State University at Monterey Bay, so that students, faculty, and the public can access regional data.

⁵ The *Procedural Guidance Manual* has several related purposes:

- To inform analyses by State, local, and other agency staffs of development that may contribute to polluted runoff, and the recommendations upon which decision-making bodies (e.g., the Coastal Commission or local legislative body) base their regulatory or land use planning decisions;
- To provide staff of the Commission, local governments, and other agencies with practical technical and policy guidance for addressing polluted runoff in the context of land use permitting, watershed planning, and ecosystem management;
- To establish a consistent statewide approach for preventing or controlling polluted runoff based on a cooperative and coordinated intergovernmental initiative; application of existing Coastal Act or LCP policies; and the potential use of special conditions in CDPs, for example, to implement Best Management Practices.

- The Commission's Adopt-A-Beach Assembly Program includes a slide presentation at schools that provides information about the sources and problems associated with polluted runoff. In addition, education program staff created a marine debris fact sheet that includes information about polluted runoff as well as solid waste.
- The Commission's Whale Tail License Plate funded grants to eleven organizations for marine and coastal education projects. A number of the grants were awarded to programs that address polluted runoff issues. In addition to Coastal Cleanup Day mini-grants, which were awarded to Coastal Cleanup Day coordinators, and the School Assembly Program mentioned above, the following organizations received grants.
 - ♦ The California State Parks Foundation Junior Lifeguard Program and Police Activities League to operate a Coastal Experience Camp for at-risk youth. The curriculum includes education about polluted runoff.
 - ♦ Palisades Charter High School for its Marine Education and Advocacy Program, which incorporates polluted runoff education.
 - ♦ Surfrider Foundation for its school-based outreach program, which offers presentations on watersheds, water pollution and coastal issues.
 - ♦ Yosemite National Institutes, Northcoast Environmental Center and Heal the Bay for improving the educational elements of their Adopt-A-Beach Programs.

Another Commission strategy is the *Boating Clean and Green (BC&G) Campaign*, which is a Statewide boater education project conducted by Commission staff with funding from the California Integrated Waste Management Board (CIWMB). Accomplishments of the BC&G Campaign include the following:

- Facilitation of the California Clean Boating Network (CCBN) and coordination with the San Diego Safe Boating and Environment Coalition (both organizations are devoted to identifying education program needs regarding environmentally sound boating and to providing networking opportunities for those involved in boater education).
- Three research components that identified (1) boater practices in managing used oil, hazardous waste, and fueling practices; (2) surveys of available waste oil collection and hazardous waste disposal services for boaters in the SF Bay/Delta and in Southern California; and (3) a boater focus group that identified most effective style, format and content for outreach materials designed for California boaters.
- Development and production of 30,000 California Boater kits that address safe and environmentally sound boating messages and include free oil absorbent pads and other useful products for boaters (the State Department of Boating and Waterways, two marine trade organizations, and West Marine Products supported this effort), including distribution of these kits in Northern and Southern California via marine dealerships, attendance at 15 boat shows and events, and directly to boaters on the waterfront by training "Dockwalkers" who then conducted direct outreach.
- Trainings for 100 Northern California volunteers (mostly from the U.S. Coast Guard and Coast Guard Auxiliary) to conduct face-to-face boater education on environmentally sound boating, and provision of 4,000 boater kits to support this outreach.

- Two regional conferences addressing environmentally sound boating practices that targeted local jurisdictions and marinas to encourage the installation of more services for boaters and included trade shows to exhibit available technologies for pollution prevention and control.
- Development of two new Boating Clean and Green trade show exhibits for use at boating events in northern and southern California.
- Ongoing technical assistance to marinas and local agencies to implement appropriate services for used oil recycling and oil spill prevention.

In response to the success of this program in establishing a model outreach campaign, many agencies and organizations that have worked with the Commission have requested additional outreach materials and continued support from the BC&G Campaign.

F. Contaminated Sediments Program

Pursuant to Senate Bill 673 (Karnette, 1997), the CCC is taking a lead in creating a long-term contaminated sediments management plan—for the dredging and disposal of contaminated sediments for the coastal waters adjacent to Los Angeles County—in coordination with the Los Angeles RWQCB and other agencies. Determining protective and cost-effective disposal alternatives, beneficial re-use, and source reduction and controls are critical issues for managing contaminated sediments. Watershed management and source reduction are important components of the Contaminated Sediments Program that are expected to be integrated with the Commission's *Coastal CPR Plan*.

II. UPDATE ON PROPOSED STATE LEGISLATION RELATED TO THE COMMISSION'S COASTAL NONPOINT POLLUTION CONTROL PROGRAM

This section provides summaries of several current bills that are directly related to the Coastal Commission's efforts to prevent and control polluted runoff. For more detailed information on these and other bills, please see the Commission staff's monthly Legislative Reports to the Commissioners and Interested Public.

1. AB 511 (Wayne) Nonpoint Source Pollution

AB 511 clarifies the Commission's existing authority to address and minimize the adverse impacts of NPS pollution when implementing Coastal Act policies related to coastal public access and recreation, new development, and the protection of biological productivity, coastal waters, and sensitive habitat. The Commission would also be required, not later than January 1, 2001, to prepare and submit to the Governor and the Legislature an annual report on the progress made in implementing the Commission's *Coastal CPR Plan*.

2. AB 604 (Jackson) Nonpoint Source Pollution

AB 604 would require the SWRCB and Commission, on or before January 1, 2001 and in consultation with the State Department of Health Services, to establish measurable performance goals and implementation strategies for prescribed priority NPS management

measures, and to establish other specified measurable performance goals on or before January 1, 2005, for the purpose of carrying out the State's NPS Pollution Control Program in accordance with specified federal law.

3. **AB 642 (Lempert) Coastal Resources: Wetlands Mitigation and Restoration**

AB 642 would establish the California Coastal Wetlands Mitigation Banking and Restoration Act of 2000, which would require the Resources Agency, in cooperation with other responsible federal, State and local agencies, to adopt regulations that establish standards and criteria for (1) a mitigation bank site qualification process, as prescribed, in the coastal zone, (2) the evaluation of wetlands acreage and habitat values created at bank sites, and (3) the operation of bank sites. The bill would also find that no net loss of wetlands acreage or wetlands functions should occur in the coastal zone, and that it is the goal of this State to increase the total wetlands acreage and wetlands functions within the coastal zone.

4. **AB 885 (Jackson) Coastal Onsite Sewage Treatment Systems**

AB 885 would require the State Department of Health Services, on or before January 1, 2001, in consultation with the SWRCB, Commission, and California Conference of Directors of Environmental Health, to adopt, by regulation, statewide performance standards for all onsite sewage treatment systems (septic tanks) within the coastal zone. The bill would require all affected onsite sewage treatment systems to comply with the standards not later than January 1, 2003, or three years from the date of the adoption of the standards, whichever is earlier.

5. **AB 1293 (Mazzoni) Coastal Protection: Public Education Programs**

AB 1293 would require that the Commission's public education program also include outreach to special groups such as the boating community, and incorporate information on the prevention and reduction of nonpoint source pollution. The bill would provide that, because the actions of people throughout a watershed impact the coast and the ocean, the geographic extent of the commission's education and outreach program shall not be limited to outreach conducted only in the coastal zone.

6. **SB 227 (Alpert) Water Quality: Nonpoint Source Pollution**

SB 227 would require the SWRCB, commencing on or before January 1, 2001, to prepare and commence the implementation of a detailed program for the purposes of implementing and enforcing requirements imposed on NPS pollution discharges, as specified. The bill would require the SWRCB, commencing on or before January 1, 2001, and in consultation with the Commission, to prepare and submit a biennial NPS pollution control management report with prescribed components. The bill would also make legislative findings and declarations concerning NPS pollution.